



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

PRICE DANIEL  
ATTORNEY GENERAL

January 25, 1952

Hon. Raymond E. Magee  
County Attorney  
Galveston County  
Galveston, Texas

Opinion No. V-1394

Re: Maximum maturity period  
for time warrants issued  
to pay for voting machines.

Dear Mr. Magee:

Your request for an opinion contains the following question:

May the county commissioners of Galveston County issue time warrants for the purchase of voting machines and set the maximum maturity date of these warrants for a period of ten years?

Section 79 of the Texas Election Code (Sec. 79, H.B. 6, Acts 52nd Leg., R.S. 1951, ch. 492, p. 1126) expressly authorizes the issuance of time warrants for the purchase of voting machines. Section 6 of Section 79, providing for the payment of these voting machines, provides in part:

"The County Commissioners Court shall provide for the payment of voting machines to be used in such county in such manner as the Court may deem for the best interest of the county, and for the purpose of paying for voting machines, such Commissioners Court is hereby authorized to issue bonds, and certificates of indebtedness, warrants, or other obligations to be used for this purpose and no other, which shall be a charge against the county, such bonds, certificates of indebtedness, or other obligations, may be issued with or without interest payable at such time or times as the Commissioners Court may determine, but shall never be issued nor sold for less than par; provided, however, that such Commissioners Court shall issue such bonds, certificates of indebtedness, warrants, or other obligations, to be used for the purpose of payment of voting machines in the same manner and with the same authority as provided for the issuance

of warrants, bonds, certificates of indebtedness, or other obligations by the General Laws of this State. . . . (Emphasis added.)

Article 2368a, V.C.S., sets out the procedure which must be followed by the commissioners' court in issuing time warrants. Section 3 of Article 2368a provides:

"When it shall be the intention of the Commissioners Court or of the governing bodies to issue time warrants for the payment of all or any part of the proposed contract, a notice to bidders required under Section 2 of this Act shall recite that fact, setting out the maximum amount of the proposed time warrant indebtedness, the rate of interest such time warrants are to bear, and the maximum maturity date thereof." (Emphasis added.)

We find no statute limiting the maximum maturity date of time warrants, and therefore agree with you that there is no fixed maximum time for their maturity. When no maximum time is provided, as a general rule this is construed to mean within a reasonable time. For this type of indebtedness ten years would not be unusual or unreasonable. It is therefore our opinion that Galveston County may issue time warrants payable over a period of ten years for the purchase of voting machines, provided the requirements of Article 2368a are complied with in all particulars.

In writing this opinion this office is not passing upon the financial condition of the county or deciding that the county's financial condition will permit the issuance of the warrants. This opinion is limited solely to the maximum allowable maturity dates of the warrants.

#### SUMMARY

The commissioners' court of Galveston County may issue time warrants for the purchase of voting machines which may be payable

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over a period of ten years. Art. 2368a,  
V.C.S.; Sec. 79, Texas Election Code (Sec.  
79, H.B. 6, Acts 52nd Leg., R.S. 1951, ch.  
492, p. 1126).

Yours very truly,


APPROVED:

J. C. Davis, Jr.  
County Affairs Division

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RHH:mh

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By   
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